

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**TA No. 140 of 2007
Decided on : 15-04 -2009**

Smt. Bindia

....Applicant

VERSUS

Gulab Singh

....Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr.R.A.Sheoran, Advocate for the applicant

Mr.J.S.Virk, Advocate for the respondent

MAHESH GROVER, J

This is an application under Section 24 CPC for transfer of petition titled as 'Gulab Singh versus Bindia' filed under Section 13 of the Hindu Marriage Act 1955, pending in the Court of Additional District & Sessions Judge, Kurukshetra to a Court of competent jurisdiction at Bhiwani.

It is the case of the applicant that her marriage was solemnized on 18.11.2005 which marriage unfortunately did not work out. It is prayed that it is extremely difficult for her to attend to the Court proceedings at Kurukshetra in view of the fact that she has lost her father and there is nobody to take care of her except her mother who is also old and cannot accompany her to the Courts to attend the proceedings.

No reply has been filed to the application therefore the contentions of the applicant goes uncontroverted.

Attempts were made at reconciliation by summoning the parties but the applicant has expressed her desire not to accede to the petition under Section 13 of the Hindu Marriage Act.

Therefore, keeping in view the fact that applicant has lost her father and also keeping in view the observations of Hon'ble Apex Court in case titled as '*Sumita Singh versus Kumar Sanjay and another*' AIR 2002 SC 396, I am of the considered opinion that the present application deserves to succeed. Accordingly, the proceedings in the case titled as 'Gulab Singh versus Bindia' filed under Section 13 of the Hindu Marriage Act 1955, pending in the Court of Additional District & Sessions Judge, Kurukshetra are transferred to a Court of competent jurisdiction at Bhiwani.

The Court at Bhiwani shall issue notice to the parties for appearance after receipt of the case on transfer

April 15, 2009
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(Mahesh Grover)
Judge